

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA)	
)	
VS.)	CASE NO: 2:10 CR 123
)	
WILLIE HARRIS)	

**DEFENDANT’S MOTION FOR GOVERNMENT TO PRODUCE EVIDENCE OF
NUMBER OF VICTIMS AND LOSS AMOUNTS PRIOR TO SENTENCING**

Comes now the Defendant, Willie Harris, and moves the Court to issue an order requiring the government to produce evidence of the number of victims and loss amounts prior to sentencing and in support says as follows:

1. That the Defendant, Willie Harris, has been found guilty by a jury after trial of the issues and a presentence investigation report has been prepared.
2. That the Presentence Investigation Report calculates the Defendant’s sentencing guideline range, in part, through the use of an enhancement of 4 levels for there being more than fifty (50) victims (government reports over 70 victims) and an enhancement of 12 levels for a loss amount greater than \$200,000.00 but less than \$400,000.00 (government reports \$306,205.68 in actual losses and attempted losses of \$11,858.00 for a total of \$318,063.68) (Presentence Investigation Report paragraph 54 and 55).
3. That the Defendant, Willie Harris, filed objections to both of these enhancements.
4. That the government responded to Defendant’s objections and the probation department has adopted the government’s position on both of these issues.
5. That the Defendant, Willie Harris, does not have access to the information upon which it and probation relies in arriving at their number of victims and total loss amounts.

6. That it is impossible for the Defendant, Willie Harris, to accurately calculate the exact number of victims and the precise loss amount without having access to the information that the government is relying upon in its calculation of the number of victims and the loss amount.
7. That should the Defendant be given access to government's information supporting number of victims and loss amounts, Defendant could be better prepared to intelligently present.

WHEREFORE: The Defendant, Willie Harris, moves the Court to issue an order requiring the government to produce, prior to sentencing, the information that it relied upon in calculating the number of victims and the law amount.

RESPECTFULLY SUBMITTED at the Request of the Defendant, Willie Harris:

s/Arlington J. Foley
Arlington J. Foley, Atty. No. 6905-45
Attorney for Defendant
1942 North Main Street
Crown Point, IN 46307
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CERTIFICATE OF SERVICE

I certify that on the 17th day of January, 2014 service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by the electronic case filing system (ECF).

By: s/Arlington J. Foley
Arlington J. Foley
Attorney at Law